

REMARKS

Reexamination and reconsideration of the application as amended are requested. Claim 1 has been amended to include the limitations of original claim 6. Claim 28 has been amended to make the "cylindrical" one of the two transducers an ultrasound-medical-treatment-only ultrasound transducer as supported by the limitations of original claim 6.

The examiner's rejection of claims 1-3, 9 and 28-29 as "anticipated", under 35 U.S.C. 102, is respectfully traversed. The examiner rejects these claims as being unpatentable over Hossack (US 6,171,248). Claims 2-3 and 9 depend from claim 1, and claim 29 depends from claim 28.

Claim 1 requires that the first and second ultrasound transducers 118 and 120 are ultrasound-medical-treatment-only ultrasound transducers.

Hossack discloses a clever method for creating three dimensional images using an ultrasonic probe that includes at least two ultrasonic arrays (see the Abstract). With reference to figure 5, Hossack discloses a first ultrasound transducer 22', a second ultrasound transducer 200, and a third ultrasound transducer 20'. Column 7, lines 45-47 of Hossack describe transducer 200 as a second tracking array. The first tracking array must be array 22' because in column 7, lines 53-61, Hossack describes transducer 20' as the image array wherein the tracking arrays are on either side of the image array. What is a tracking array? With reference to figure 1, Hossack discloses that a tracking array provides tracking information used to create three dimensional images from the imaging data of the imaging array (see column 5, lines 7-23 of Hossack). If Hossack did not have imaging transducer 20' and tracking transducers 22' and 200, the embodiment of figure 5 of Hossack would not work for its intended purpose.

For claim 1 to be obvious, transducers 22' and 200 of Hossack would have to be ultrasound-medical-treatment-only transducers. If the examiner thinks it would be obvious to have made transducers 22' and 200 of Hossack ultrasound-medical-treatment-only transducers (from, for example the Fujio patent US 5,471,988), then the embodiment of figure 5 of Hossack would not work for its intended purpose as described in column 7, lines 45-61 of Hossack.

Serial No.: 10/825,952
Attorney Docket No.: END5311USNP
Amendment After Final

Claim 28 requires the "cylindrical" one of the two transducers to be an ultrasound-medical-treatment-only ultrasound transducer.

With reference to figure 1, Hossack discloses two ultrasound transducers 22 and 20. There are three possibilities for the two transducers 22 and 20 of figure 1 of Hossack. First, transducer 22 is an imaging transducer and transducer 20 is a tracking transducer. Second, transducer 22 is a tracking transducer and transducer 22 is an imaging transducer. Third, transducer 22 is an imaging and tracking transducer and transducer 20 is an imaging and tracking transducer. See column 5, lines 7-33 of Hossack. The end result is the same. If one of the two transducers 22 and 20 of figure 1 of Hossack were an ultrasound-medical-treatment-only ultrasound transducer, the embodiment of figure 1 of Hossack would not work for its intended purpose as described in column 5, lines 7-33 of Hossack.

The examiner's rejection of claims 4-5 as "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects these claims as being unpatentable over Hossack (US 6,171,248) in view of Weng (US 7,063,666). Claims 4-5 depend from claim 1, and applicant's previous remarks concerning the patentability of claim 1 over Hossack are herein incorporated by reference.

The examiner's rejection of claim 8 as "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects this claim as being unpatentable over Hossack (US 6,171,248) in view of Fujio (US 5,471,988). Claim 8 depends from claim 1, and applicant's previous remarks concerning the patentability of claim 1 over Hossack (and Fujio) are herein incorporated by reference.

The examiner's rejection of claim 7 as "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects this claim as being unpatentable over Hossack (US 6,171,248) in view of Fujio (US 5,471,988) and further in view of Makin (US 2003/0018266). Claim 7 depends from claim 1, and applicant's previous remarks concerning the patentability of claim 1 over Hossack (and Fujio) are herein incorporated by reference.

The examiner's rejection of claims 10-11, 13-14, 22-23 and 25-26 as "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects these claims as being unpatentable over Hossack (US 6,171,248) in view of Fujio (US 5,471,988), Makin (US 2003/0018266), and Weng (US 7,063,666). Claims 11 and 13-14 depend from claim 10, and claims 23 and 25-26 depend from claim 22.

Claim 10 requires that the first and second ultrasound transducers are ultrasound-medical-treatment-only ultrasound transducers as is required by claim 1, and applicant's previous remarks concerning the patentability of claim 1 over Hossack (and Fujio) are herein incorporated by reference.

Claim 22 requires that the third ultrasound transducer is an ultrasound-medical-treatment-only ultrasound transducer. However, as previously stated with respect to the patentability of claim 1, Hossack requires that the third ultrasound transducer 20' be an image array (i.e., an image transducer) and that the first and second ultrasound transducers 22' and 200 be the tracking transducers. Replacing the third ultrasound transducer 20' of Hossack with an ultrasound-medical-treatment-only ultrasound transducer (as suggested by the examiner) would render the figure 5 embodiment of Hossack unworkable for its intended purpose of providing an imaging probe.

The examiner's rejection of claims 16-17 and 19-20 as "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects these claims as being unpatentable over Hossack (US 6,171,248) in view of Fujio (US 5,471,988) and Weng (US 7,063,666). Claims 17 and 19-20 depend from claim 16.

Claim 16 requires that the first and second ultrasound transducers are ultrasound-medical-treatment-only ultrasound transducers as is required by claim 1, and applicant's previous remarks concerning the patentability of claim 1 over Hossack (and Fujio) are herein incorporated by reference.

Inasmuch as each of the rejections has been answered by the above remarks and amended claims, it is respectfully requested that the rejections be withdrawn, and that this application be

Serial No.: 10/825,952
Attorney Docket No.: END5311USNP
Amendment After Final

passed to issue. The Commissioner is authorized to charge any additional fees required or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

Douglas E. Erickson

Douglas E. Erickson

Reg. No. 29,530

Date: 9/15/08

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
(937) 443-6814